

MCKEE, VOORHEES & SEASE, PLC
MCKEE, VOORHEES & SEASE, INC.

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721
PHONE: 515-288-3667 • FAX: 515-288-1338 • www.ipmvs.com

DATE: September 2, 2004

TO: Mail Stop PG Pub
Art Unit 3752

COMPANY: USPTO

PHONE:

FAX: (703) 305-8568

FROM: Michael G. Voorhees

NUMBER OF PAGES (Including cover): 5

Please file the attached RESCISSION OF PREVIOUS NONPUBLICATION REQUEST:

APPLICANT : NEIER, et al.
SERIAL NO : 10/673,625
FILED : September 29, 2003
TITLE : MATERIAL SPREADER AND METHOD FOR USING
SAME

Grp./A.U. : 3752
Examiner :
Conf. No. : 2544
Docket No. : P06057US00

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : NEIER, et al.
SERIAL NO : 10/673,625
FILED : September 29, 2003
TITLE : MATERIAL SPREADER AND METHOD FOR USING SAME

Grp./A.U. : 3752
Examiner :
Conf. No. : 2544
Docket No. : P06057US00

RESCISSON OF PREVIOUS NONPUBLICATION REQUEST

Commissioner for Patents
P.O. Box 1450
Mail Stop PG PUB
Alexandria, VA 22313-1450

Dear Sir:

In the present application Applicant has filed a nonpublication request. However, on March 11, 2004 Applicant received a "Notice Regarding Nonpublication Request" which states that the request cannot be accepted because the rules and statutes require that Nonpublication Requests be submitted upon filing.

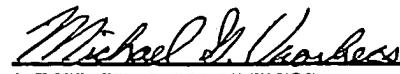
CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING
 deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop PG PUB Alexandria, VA 22313-1450.

Date: 9-2-04

FACSIMILE
 transmitted by facsimile to the Patent and Trademark Office, Art Unit 3752 at Fax No. (703) 305-8568


MICHAEL G. VOORHEES

In any event, Applicant attaches hereto a renunciation of the Nonpublication Request.

Applicant will in the near future be filing foreign applications and therefore wants to make certain that it has complied with the statutes regarding publication.

If there are any questions, please do not hesitate to call Applicant's attorney of record at the below identified number.

Respectfully submitted,



MICHAEL G. VOORHEES, Reg. No. 25,715
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- bja -

PTO/SB/36 (05-03)

Approved for use through 04/30/2003. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**RESCISSON OF PREVIOUS
NONPUBLICATION REQUEST
(35 U.S.C. 122(b)(2)(B)(ii))
AND, IF APPLICABLE,
NOTICE OF FOREIGN FILING
(35 U.S.C. 122(b)(2)(B)(iii))**

Send completed form to:
Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 305-8568

Application Number	10/673,625
Filing Date	September 29, 2003
First Named Inventor	NEIER, Benjamin R., et al.
Title	MATERIAL SPREADER & METHOD FOR USING SAM
Atty Docket Number	P06057US00
Group Art Unit	3752
Examiner	

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

9-2-04

Date



Signature

515-288-3667

Michael G. Voorhees, Reg. No. 25,715

Telephone Number

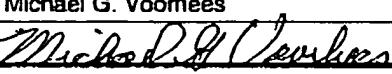
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Michael G. Voorhees	Date	<u>9-2-04</u>
Signature			

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED

USPTO-PG PUBS

SEP 8 2004

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/673,625	09/29/2003	Benjamin R. Neier	P06057US00

CONFIRMATION NO. 2544

22885
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721



OC000000012088887

Date Mailed: 03/11/2004

NOTICE REGARDING NONPUBLICATION REQUEST

The nonpublication request filed on 01/22/2004 is acknowledged.

- The request cannot be accepted because 35 U.S.C. § 122(b)(2)(B)(i) and 37 CFR 1.213 require that any nonpublication request be submitted upon filing. Therefore, the application remains subject to the publication provisions of 35 U.S.C. § 122(b) and 37 CFR 1.211.

Questions regarding this notice may be directed to the Office of Initial Patent Examination at (703) 308-1202.